

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>VINCENT HARVEY and</b>	:	
<b>RICHARD HAWKINS,</b>	:	
<b>Plaintiffs</b>	:	
	:	<b>No. 3:18-cv-939</b>
<b>v.</b>	:	
	:	<b>(Judge Rambo)</b>
<b>CO1 D. CLINE, <i>et al.</i>,</b>	:	
<b>Defendants</b>	:	

**ORDER**

**AND NOW**, on this 27th day of April 2021, for the reasons set forth in the Memorandum accompanying this Order, and upon consideration of the Court's February 26, 2021 Memorandum and Order (Doc. Nos. 81, 82), **IT IS ORDERED THAT:**

1. Defendants' motion for reconsideration (Doc. No. 83) is **GRANTED**, and the portions of the Court's February 26, 2021 Memorandum and Order (Doc. Nos. 81, 82) denying summary judgment with respect to Plaintiff Harvey's Eighth Amendment failure to protect and denial of medical care claims against Defendant Cline are **VACATED**;
2. Defendants' motion for summary judgment (Doc. No. 75) is **GRANTED** with respect to Plaintiff Harvey's Eighth Amendment failure to protect and denial of medical care claims against Defendant Cline;
3. Defendants' second motion for summary judgment (Doc. No. 85) is **GRANTED** as to Plaintiffs' First Amendment retaliation claims and Plaintiff Harvey's damages claims;
4. The Clerk of Court is directed to enter judgment in favor of Defendants Cline, Ferguson, and the DOC and against Plaintiffs Harvey and

Hawkins as to all of Plaintiffs' claims asserted against them pursuant to 42 U.S.C. § 1983;

5. Plaintiffs' state law tort claims are **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1367(c)(3); and
6. The Clerk of Court is directed to **CLOSE** the above-captioned action.

s/ Sylvia H. Rambo  
United States District Judge